

K. Great Britain.

Commons, House of

ARTICLES

Exhibited by the

KNIGHTS, CITIZENS, and BURGESSES

I N

PARLIAMENT ASSEMBLED,

In the Name of Themselves, and of all the
COMMONS of GREAT BRITAIN,

AGAINST

THOMAS Earl of MACCLESFIELD,

In Maintenance of their

IMPEACHMENT

Against Him for

High Crimes and Misdemeanors.

L O N D O N,

Printed by *John Baskett*, Printer to the King's most
Excellent Majesty, And by the Assigns of *Henry Hills*,
deceas'd. MDCCXXV.

Die Mercurii 28 Aprilis, 1725.

ORDERED by the Lords Spiritual and Temporal in Parliament assembled, That the Articles of Impeachment for High Crimes and Misdemeanors, exhibited by the House of Commons against *Thomas Earl of Macclesfield*, and the Answer of the said Earl, together with the Replication of the House of Commons to the said Answer, be forthwith Printed, for the Benefit and Conveniency of the Lords of this House only, and delivered to the Clerk only for that Purpose.



W^M COWPER, /
Cler. Parliamentor.



A R T I C L E S

*Exhibited by the Knights, Citizens, and
Burgesses in Parliament Assembled, in
the Name of Themselves, and of all
the Commons of Great Britain, against
Thomas Earl of Macclesfield, in
Maintenance of their Impeachment a-
gainst him for High Crimes and Mis-
demeanors.*



HEREAS the Office of
Lord Chancellor of *Great
Britain* is an Office of the
Highest Dignity and Trust,
upon the impartial and un-
corrupt Execution whereof
the Honour of the Crown,
and the Welfare of the
Subjects of this Kingdom
greatly depend : And whereas *Thomas Earl of
Macclesfield*, in or about the Month of *May*, in
the Year of our Lord, One thousand seven hun-
dred and eighteen, by the great Grace and Favour
of His most Excellent Majesty was constituted and

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appointed

appointed Lord Chancellor of *Great Britain*, and did thereupon take the usual Oath for the due Execution of that High Office, whereby he did swear well and truly to serve our Sovereign Lord the King, and His People, Poor and Rich, after the Laws and Usages of this Realm, and such other Oaths as have been accustomed; and the said Earl continued in this great Office until about the Month of *January*, in the Year of our Lord, One thousand seven hundred and twenty four, and in Right thereof was intrusted with the Nomination and Admission to the Offices of Masters of the Court of Chancery, which Masters of the said Court are Officers of great Trust sworn to serve the King and His People, and associated to the Lord Chancellor for his Assistance in the due Administration and Execution of Justice in the said Court: And whereas His Majesty, upon the said Earl's being appointed to the Office of Lord Chancellor, did, of His Grace and Bounty, bestow upon the said Earl the Sum of Fourteen thousand Pounds, or some other great Sum, and did likewise grant unto *George Parker* Esq; now commonly called Lord *Parker*, Eldest Son and Heir Apparent of the said Earl, a Yearly Pension of Twelve hundred Pounds, payable out of His Majesty's Receipt of the Exchequer, during the joynt Lives of His Majesty and the said Lord *Parker*, determinable upon His Majesty's making a Grant to the said Lord *Parker*, in Possession of the Office of One of the Tellers of His Majesty's Exchequer, for the Term of his Natural Life, which Office being of the Yearly Value of Fifteen hundred Pounds, or upwards, has been since granted by His Majesty unto the said Lord *Parker* for his Life, who in or about the Month of *July*, in the Year of our Lord, One thousand seven hundred

dred and nineteen, was duly admitted to and doth still Enjoy the same; and the said Earl, during the Time of his continuing Lord Chancellor of *Great Britain*, did not only enjoy the usual Salary, Fees, and Profits belonging to his Office, of a very great Annual Value, but also did continue to receive an Annual Pension of Twelve hundred Pounds, which His Majesty in or about the Month of *June*, in the Year of our Lord, One thousand seven hundred and sixteen, had granted to him and his Assigns, during His Majesty's Life; and did likewise receive from the Crown a further Annual Allowance of Four thousand Pounds, and many other Advantages; Yet the said *Thomas Earl of Macclesfield*, not being satisfied with this large and ample Revenue, nor regarding the Obligation of his Oath, or the Duty of his high and important Office, but entertaining wicked and corrupt Designs and Views, to raise and procure to himself excessive and exorbitant Gain and Profit, by divers unjust and oppressive Practices and Methods herein after mentioned, whilst he continued in the said Office of Lord Chancellor, did Illegally, Corruptly, and Extorsively take and receive to his own Private Use the following or some other great Sums of Money.

ARTICLE I.

That *Richard Godfrey*, Esq; having Contracted with Sir *Thomas Gery*, One of the Masters of the Court of Chancery, for the Purchase and Surrender of his Office, at the Price of Five thousand Pounds, or some other Great Sum of Money; The said *Thomas Earl of Macclesfield*, whilst he

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continued Lord Chancellor of *Great Britain*, and before the Admission of the said *Richard Godfrey* into the Office of One of the Masters of the Court of Chancery, did by Colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take and Receive of and from the said *Richard Godfrey* the Sum of Eight hundred and forty Pounds, or some other Sum of Money, for the Admitting him into such Office of a Master of the Court of Chancery, and to the Intent that the said *Richard Godfrey* should Have, Exercise and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court, and the said *Thomas Earl of Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same Infamous and Corrupt Nature, did admit and swear the said *Richard Godfrey* into the Office of One of the Masters of the said Court of Chancery, upon the Surrender of the said Sir *Thomas Gery*, in Breach and Violation of his Oath as Lord Chancellor, and of the great Trust in him Reposed, contrary to the Duty of his Office, and against the Good and Wholesome Laws and Statutes of this Realm.

A R T. II.

That the Office of One of the Masters of the said Court of Chancery becoming Vacant by the Death of *Samuel Browning*, Esq; One of the late Masters of the said Court; The said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, and before the Admission of
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James Lightboun, Esq; into the said Office of One of the Masters of the Court of Chancery, did, by Colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take and Receive of and from the said *James Lightboun* the Sum of Six thousand Pounds, or some other great Sum of Money, in Consideration of, and for the Admitting him into such Office, and to the Intent that the said *James Lightboun* should Have, Exercise and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court, and the said *Thomas* Earl of *Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same Infamous and Corrupt Nature, did admit and swear the said *James Lightboun* into the Office of One of the Masters of the said Court of Chancery, in Breach and Violation of his Oath as Lord Chancellor, and of the great Trust in him Reposed, contrary to the Duty of his Office, and against the Good and Wholesome Laws and Statutes of this Realm.

A R T. III.

That *John Borret*, Esq; having Contracted with *John Meller*, Esq; One of the Masters of the Court of Chancery, for the Purchase and Surrender of his said Office, at the Price of Nine thousand Pounds, or some other great Sum of Money; The said *Thomas* Earl of *Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, and before the Admission of the said *John Borret* into the Office of One of the Masters of the Court of

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Chancery, did, by Colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take and Receive of and from the said *John Borret* the Sum of Fifteen hundred and seventy five Pounds, or some other Sum of Money, for the Admitting him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *John Borret* should Have, Exercise and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court; And the said *Thomas Earl of Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same Infamous and Corrupt Nature, did admit and swear the said *John Borret* into the Office of One of the Masters of the said Court of Chancery, upon the Surrender of the said *John Meller*, in Breach and Violation of his Oath as Lord Chancellor, and of the great Trust in him Reposed, contrary to the Duty of his Office, and against the Good and Wholesome Laws and Statutes of this Realm.

A R T. IV.

That *Edward Conway*, Esq; having contracted with *John Orlebar*, Esq; one of the late Masters of the Court of Chancery, for the Purchase and Surrender of his said Office, at the Price of Six thousand Pounds, or some other great Sum of Money, the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of Great Britain, and before the Admission of the said *Edward Conway* into the Office of one of the

Masters of the Court of Chancery, did, by colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take, and Receive of and from the said *Edward Conway*, the Sum of Fifteen hundred Pounds, or some other Sum of Money, for the Admitting of him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *Edward Conway* should Have, Exercise, and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court; and the said *Thomas Earl of Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same infamous and corrupt Nature, did admit and swear the said *Edward Conway* into the Office of One of the Masters of the said Court of Chancery, upon the Surrender of the said *John Orlebar*, in Breach and Violation of his Oath, as Lord Chancellor, and of the great Trust in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. V.

That *William Kynaston*, Esq; having contracted with *William Rogers*, Esq; One of the Masters of the Court of Chancery, for the Purchase and Surrender of his said Office, at the Price of Six thousand Pounds, or some other great Sum of Money, the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of Great Britain, and before the Admission of the said *William Kynaston* into the Office of One of the

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Masters of the Court of Chancery, did, by colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take, and Receive of and from the said *William Kynaston*, the Sum of Fifteen hundred and seventy five Pounds, or some other Sum of Money, for the Admitting him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *William Kynaston* should Have, Exercise, and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court; and the said *Thomas* Earl of *Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same infamous and corrupt Nature, did admit and swear the said *William Kynaston* into the Office of One of the Masters of the said Court of Chancery, upon the Surrender of the said *William Rogers*, in Breach and Violation of his Oath, as Lord Chancellor, and of the great Trust in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. VI.

That *Thomas Bennet*, Esq; having contracted with *John Hiccocks*, Esq; One of the Masters of the Court of Chancery, for the Purchase and Surrender of his said Office, at the Price of Seven thousand five hundred Pounds, or some other great Sum of Money, the said *Thomas* Earl of *Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, and before the Ad-
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mission of the said *Thomas Bennet* into the Office of One of the Masters of the said Court of Chancery, did, by colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively Insist upon, Take, and Receive of and from the said *Thomas Bennet*, the Sum of Fifteen hundred and seventy five Pounds, or some other Sum of Money, for the Admitting him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *Thomas Bennet* should Have, Exercise, and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court; and the said *Thomas Earl of Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same infamous and corrupt Nature, did admit and swear the said *Thomas Bennet* into the Office of One of the Masters of the said Court of Chancery, upon the Surrender of the said *John Hiccocks*, in Breach and Violation of his Oath, as Lord Chancellor, and of the great Trust in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. VII.

That the Office of One of the Masters of the said Court of Chancery, becoming vacant by the Death of *William Fellows*, Esq; One of the late Masters of the said Court, the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, and before the Admission of *Francis Elde*, Esq; into the said Office

of One of the Masters of the Court of Chancery, did, by colour of his Office of Lord Chancellor, illegally, Corruptly, and Extorsively Insist upon, Take, and Receive of and from the said *Francis Elde*, the Sum of Five thousand two hundred and fifty Pounds, or some other great Sum of Money, in Consideration of, and for the Admitting him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *Francis Elde* should Have, Exercise, and Enjoy the same, which said Office touches and concerns the Administration and Execution of Justice in the said Court; and the said *Thomas Earl of Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in Pursuance of some other Bargain or Agreement of the same infamous and corrupt Nature, did admit and swear the said *Francis Elde* into the Office of One of the Masters of the said Court of Chancery, in Breach and Violation of his Oath, as Lord Chancellor, and of the great Trust in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. VIII.

That the Office of One of the Masters of the said Court of Chancery becoming vacant by the Death of *John Borret*, Esq; One of the late Masters of the said Court, who died insolvent, greatly indebted to the Suitors of the said Court, the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, without securing a just Satisfaction to the said Suitors, for
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their Debts, and before the Admission of *Mark Thurston*, Esq; into the said Office of One of the Masters of the Court of Chancery, did, by Colour of his Office of Lord Chancellor, Illegally, Corruptly, and Extorsively, Insist upon, Take, and Receive, of and from the said *Mark Thurston*, the Sum of Five thousand two hundred and fifty Pounds, or some other great Sum of Money, in Consideration of and for the admitting him into such Office of a Master of the said Court of Chancery, and to the Intent that the said *Mark Thurston* should Have, Exercise, and Enjoy the same, which said Office Touches and Concerns the Administration and Execution of Justice in the said Court; and the said *Thomas* Earl of *Macclesfield*, being Lord Chancellor, in Pursuance and Execution of the said wicked and corrupt Bargain, or in pursuance of some other Bargain or Agreement of the same infamous and corrupt Nature, did admit and swear the said *Mark Thurston* into the Office of One of the Masters of the said Court of Chancery, in Breach and Violation of his Oath, as Lord Chancellor, and of the great Trust in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. IX.

That whereas *Thomas Bennet*, Esq; in or about the Month of *August*, in the Tenth Year of His Majesty's Reign, was possessed of an Office in the Court of Chancery, called the Office of Clerk of the Custodies, for the Term of his Life, by Virtue of His Majesty's Letters Patents under the Great Seal of *Great Britain*, which Office is an Office

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of Trust in the said Court, in the Gift and Disposal of the Crown by Grant under the Great Seal, and concerns the writing and making Commissions to inquire of Ideots and Lunaticks, and the Process thereupon, and Letters Patents for the Custody of the Bodies of Ideots and Lunaticks, and the keeping, entring, and transcribing Orders, Reports, and Accounts made and declared touching Ideots and Lunaticks, and their Estates in the said Court of Chancery; and the said *Thomas Bennet* having agreed with *Hugh Hamersley*, Esq; to resign the said Office, in order to obtain His Majesty's Royal Grant of the said Office to the said *Hugh Hamersley*, the said *Thomas* Earl of *Macclesfield*, being then Lord Chancellor of *Great Britain*, did refuse to permit or accept of such Resignation, until the said *Thomas Bennet* had agreed to pay unto the said *Thomas* Earl of *Macclesfield*, or unto his Use, One hundred and five Pounds, or some other Sum of Money, as a Consideration for the same, and, by Colour of his Office of Lord Chancellor, did illegally, Corruptly, and Extorsively Insist upon, Take, and Receive, of and from the said *Thomas Bennet*, the said One hundred and five Pounds, or some other Sum for and in Consideration of the permitting and accepting such Surrender of the said Office, in order to and for the obtaining and procuring a New Grant of the said Office to the said *Hugh Hamersley*; and in pursuance thereof, the said *Thomas* Earl of *Macclesfield*, then being Lord Chancellor, and One of the Lords Justices of this Kingdom, during His Majesty's Absence, did accept, or cause to be duly accepted, the Resignation of the said *Thomas Bennet* of the said Office, and by his Interest and Recommendation did obtain and procure His Majesty's Royal War-

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rant for preparing and passing His Majesty's Grant of the said Office, under the Great Seal, to the said *Hugh Hamersley* for the Term of his Life; which Grant afterwards, in or about the Month of *September*, in the Tenth Year of His Majesty's Reign, did accordingly pass the Great Seal, then in the Custody of the said Earl, for which all the usual and accustomed Fees were paid, over and besides the said One hundred and five Pounds, in great Deceit of the Crown, in Breach and Violation of his Oath as Lord Chancellor, and of the several great Trusts then in him reposed, contrary to the Duty of his Office, and against the good and wholesome Laws and Statutes of this Realm.

A R T. X.

That the said *Thomas* Earl of *Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, did Illegally and Corruptly Ordain, Name, and Make divers other Officers and Ministers of His Majesty, for Gift and Brocade, and did likewise Illegally and Corruptly sell divers other Offices, touching and concerning the Administration and Execution of Justice in the Court of Chancery, to several Persons, for divers great Sums of Money, which the said Earl did receive from the said Persons for their respective Admissions into such Offices, and before they were admitted thereunto, and in order that the said Persons should Have, Exercise, and Enjoy the same, in great Breach of the Trust in him reposed, and of his Oath as Lord Chancellor, contrary to the Duty of his Office, and against the Laws and Statutes of this Realm.

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A R T. XI.

That the said *Thomas Earl of Macclesfield*, whilst he continued in the Office of Lord Chancellor of *Great Britain*, in order to advance and increase the Illegal and Corrupt Gain, arising to himself from the Sale and Disposal of the Offices of Masters of the Court of Chancery, in Violation of the great Trust reposed in him for the Care and Protection of the Suitors of the said Court, whose Money and Effects were, by Orders of the said Court, lodged in the Hands of the Masters of the said Court of Chancery, did admit several Persons to the said Offices of Masters of the said Court of Chancery, who, at the Time of such their Admissions, were of small Substance and Ability, very unfit to be trusted with the great Sums of Money and other Effects of the Suitors of the said Court, lodged in their Hands by the Orders of the said Court; and did publickly in open Court, when he sat there as Lord Chancellor, falsely represent the said Persons, so by him admitted to the Offices of Masters of the said Court of Chancery, as Persons of great Fortunes, and in every respect qualified for the Trust reposed in them, to the manifest Deceit and Injury of the Suitors of the said Court.

A R T. XII.

That whilst the said *Thomas Earl of Macclesfield* executed the said Office of Lord Chancellor, an unjust and fraudulent Method was practised in the Court of Chancery upon the Sale of the Offi-

ces of Masters of the said Court, and upon the Admissions of New Masters, that the Prices or Sums of Money agreed to be paid for the Purchase of the said Offices, and for the Admissions thereinto, were satisfied and paid out of the Monies and Effects of the Suitors of the Court deposited in the Hands of the respective Masters, surrendring their Offices, or dying, either by way of Retainer of the Purchase Money in the Hands of the Master resigning, or of replacing the Money disbursed for such Purchase or Admission by the succeeding Master, out of the Money and Effects of the Suitors coming into his Hands; by which Practice the Price and Value given upon the Sale of the said Offices, and Admissions thereinto, during the Time aforesaid, were greatly advanced, and several Persons of small Ability and Substance were encouraged to Contract for the said Offices, upon a Prospect of the easie Method of paying for the Purchase of the same, by means whereof great Deficiencies have incurred in the Offices of several Masters of the said Court, admitted by the said *Thomas* Earl of *Macclesfield*, which they have not been able to answer and make good; and although the said Practice was notorious and publick, and the said Earl was well informed thereof, and fully acquainted therewith, yet the said *Thomas* Earl of *Macclesfield*, in order to increase his own unjust and corrupt Profit in the selling the said Offices, and the Admissions thereto (which in consequence of this evil Practice was raised and received by him out of the Effects of the Suitors, for whom he was intrusted) did not at any Time, whilst he continued in his Office of Lord Chancellor, use or take any Measures to reform the said Abuse, or to prevent the same, either by causing proper Schedules to be taken of the Money

ney and Effects of the Suitors delivered over and Transferred, or by appointing any Person, in his Behalf, to inspect or supervise the Transfers or Deliveries thereof, or in any other Manner; But on the Contrary, the said *Thomas Earl of Macclesfield*, Unjustly, Corruptly, and contrary to the Duty of his said Office of Lord Chancellor (to whom the Superintendency of the said Masters, and of their Accounts did Appertain) did suffer the said Fraudulent Practice to proceed and be exercised without any Controul or Check, whereby great Embezlements have been made of the Suitors Money and Effects, to their great Loss, in the Offices of several of the Masters of the said Court, who have not been able to answer and pay their respective Ballances owing upon their Accounts, in breach of the Trust reposed in him for the Preservation of the Estates and Effects of the Suitors, to the Dishonour and Discredit of the said Court, and to the great Injury and Defrauding of the said Suitors, in a Court of Equity, Established for their Relief and Protection.

A R T. XIII.

That *Fleetwood Dormer*, Esq; One of the Masters of the Court of Chancery, having Embezzled great Part of the Money and Effects belonging to the Suitors of the said Court, with which he was Intrusted by the said Court, and disposed of the same for his own Private Advantage, by Means whereof there became, and still Continues a great Deficiency in that Office, to the Amount of Twenty five thousand Pounds, or some other great Sum; and the said *Fleetwood Dormer*, having

ing Absconded and for some time Absented himself, Application was made to the said Earl of *Macclesfield*, then Lord Chancellor of *Great Britain*, to secure the Person of the said *Fleetwood Dormer*, and to take proper Methods for Compelling the said *Fleetwood Dormer* to make Satisfaction to the Suitors for the Money and Effects, which he had so Embezled, yet the said Earl, from an Apprehension, that a Publick Discovery of the said Deficiency might lessen the Unjust Gain he proposed to make to himself, by selling and disposing of the said Offices of Masters of the said Court, neglected and declined either to secure the Person of the said *Fleetwood Dormer*, and his Estate and Effects, or to make a proper Enquiry into the said Deficiency; But on the Contrary, the said Earl, whilst he Continued Lord Chancellor of *Great Britain*, did Endeavour, by many Indirect Practices, to conceal from the Suitors of the Court, the true State and Condition of the said Office, as well with respect to the Effects of the said *Fleetwood Dormer*, as to the Debt due from him to the Suitors of the Court; And upon Motion made in the said Court of Chancery (after the said Earl knew that the said *Fleetwood Dormer* had so Absconded) on behalf of some of the Suitors of the Court, to have their Effects Transferred from the said *Fleetwood Dormer* to some other Master, for the better Securing thereof, the said Earl of *Macclesfield*, in order to delude the Suitors of the said Court into a Belief that their Effects were safe, and thereby to prevent a Publick Enquiry, then sitting as Lord Chancellor in open Court, did say, That the said Parties need not be in haste, and did at the same time falsely and deceitfully Declare, that the said *Fleetwood Dormer* was only gone
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to take the Air in the Country, and that he would return in a little time, and all would be well, or to that Effect.

A R T. XIV.

That the said *Fleetwood Dormer*, having towards Satisfaction of the Suitors of the said Court, assigned to *Henry Edwards*, Esq; (who Succeeded him in his Office of Master of the said Court of Chancery) a Debt of Twenty four thousand and forty six Pounds, Four Shillings, or some other great Sum due from *William Wilson*, a Banker to the said *Fleetwood Dormer*, to the intent that the Money received on Account thereof should be applied and disposed of, as the said Court of Chancery should Order and Direct, the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, for the Unlawful Purposes aforesaid, without Regard to the Interest of the said Suitors, by colour of his Office, did, in an Unwarrantable, Clandestine, and Unusual Manner, Authorize, Direct, and Establish a precarious and trifling Composition with the said *William Wilson*, upon the Terms of the said *William Wilson's* paying the Sum of Fourteen hundred sixty three Pounds, two Shillings, and a Penny, and assigning Ten thousand Pounds, part of a Debt of Twenty two thousand and sixty Pounds, twelve Shillings, and five Pence, pretended to be due to the said *William Wilson* from *Edward Poulter*, or to that Effect, in Discharge of the said Debt; and to that End, upon the Report of *John Hiccocks*, Esq; then one of the Masters of the said Court, without any Attendance order'd or had thereupon, and without Notice to the

the said Suitors, did, by a private Order not made in open Court, order the said *Henry Edwards* to accept of the said Composition, in full Discharge of the said Debt, which said *Edward Poulter* was a Person insolvent, and has since absconded for Debt, and none, or but a very small part of the said Ten thousand Pounds, has been or is ever likely to be received.

A R T. XV.

That the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*, to carry on his Corrupt and Unjust Purposes, and to conceal the Deficiency that was in the Office of the said *Fleetwood Dormer*, did, in or about the Month of *February*, in the Year of our Lord, One thousand seven hundred and twenty, order the several Masters of the said Court of Chancery to bring in their Accounts of the Cash, Effects, and Securities in their Hands belonging to the Suitors of the Court, not with a Design of Examining their Accounts, or Securing the Estate and Effects of the Suitors, but with an Intent to Terrify the said Masters, and thereby oblige them to contribute great Sums of Money towards answering the Demands that should, from Time to Time, be made upon the said Office ; for which Purpose, he the said Earl did at several Times represent, or cause to be represented to the said Masters, that if they refused so to do, the Money and Effects of the Suitors would be taken out of their Hands, and the said Masters deprived of making any Profit of the same ; by which Practices the said Earl, being then Lord Chancellor of *Great Britain*, by colour of his Authority, did perswade and induce

Nine of the Masters of the said Court of Chancery, to pay Five hundred Pounds each for the Purposes aforesaid; several of whom paid the same out of the Money or Effects of the Suitors in their Hands; but after such Payments, the said *Thomas Earl of Macclesfield* did not oblige the said Masters to deliver in their Accounts in Pursuance of such his said Order.

A R T. XVI.

That *Elizabeth Chitty*, Widow, having obtained an Order of the Court of Chancery, on or about the Seventeenth Day of *March*, in the Tenth Year of His present Majesty's Reign, made by the said *Thomas Earl of Macclesfield*, then Lord Chancellor, whereby *Henry Edwards*, Esq; One of the Masters of the said Court of Chancery, who succeeded *Fleetwood Dormer*, Esq; in the said Office, was ordered to pay her the Sum of One thousand Pounds, Part of the Sum of Ten thousand Pounds, or other great Sum of Money, formerly paid into the Hands of the said *Fleetwood Dormer*, as a Master of the said Court, and by the said Order mentioned to be then in the Hands of the said *Henry Edwards*; and the said *Henry Edwards* complaining to the said Earl, that the making Orders upon him to pay Money which had been received by the said *Fleetwood Dormer*, was a very great Hardship upon him the said *Henry Edwards*, in regard he had not any Money or Effects in his Hands to answer such Demands, the said Earl of *Macclesfield*, being then Lord Chancellor, in further prosecution of his Unjust and Corrupt Purposes, did, by Colour of his Authority, endeavour to prevail with the Masters of the said Court of Chancery, to raise the said Sum of One thou-

thousand Pounds out of their Effects, by representing to them, that a Discovery of the Deficiency in the said Office might occasion a Parliamentary or Publick Enquiry into the Nature and Condition of their Offices, and hazard the Forfeiture of the same, by reason of their having bought the said Offices contrary to Law, which the said Earl then declared would affect him, but themselves much more, or to that Effect; but the said Masters refusing to raise the said Sum of One thousand Pounds, the said Earl of *Macclesfield* did order his Secretary *Peter Cottingham*, Esq; to pay the said One thousand Pounds; who, in pursuance of the said Earl's Directions, in or about the Month of *July*, One thousand seven hundred and twenty four, did pay the same to *Ascan Christopher Lochman*, for the Use of the said *Elizabeth Chitty*; and the said Earl of *Macclesfield*, upon Application made to him by the said *Ascan Christopher Lochman*, for Payment of the said Money, did acquaint him, that he, the said Earl, had given Directions to his Secretary for Payment of that Sum, but at the same time declared to the said *Ascan Christopher Lochman*, that he, the said Earl, believed this would be the last Payment she was like to receive out of the said Money paid into the Hands of the said *Fleetwood Dormer*, for the Residue thereof was in great Danger of being lost, by reason of the Deficiency in the Effects of the said *Fleetwood Dormer*, or to that Effect. Notwithstanding all which Proceedings, in this and several other Articles mentioned, upon a Motion made in the Court of Chancery before the said *Thomas Earl of Macclesfield*, then Lord Chancellor, on or about the Fifth Day of *December* last, in a Cause there depending between *Jane Harper*,
 Plaintiff,

Plaintiff, and *Thomas Case*, and others, Defendants, relating to the Sum of Two hundred and sixty Pounds, or some other Sum, deposited in the Hands of the said *Fleetwood Dormer* before his absconding, and which was then apprehended in great Danger of being lost, the said *Thomas Earl of Macclesfield*, then sitting in Court as Lord Chancellor, did Publickly, Falsely, and Deceitfully declare, That he had heard there was a Deficiency in the Office of the said *Fleetwood Dormer*, but that he, the said Earl, knew nothing of it, only as publick News, or to that Effect; and thereupon did order, that the said *Henry Edwards* should examine in what Manner the said Two hundred and sixty Pounds was deposited with the said *Fleetwood Dormer*, and whether there was likely to be a Loss of any Money deposited with the said *Fleetwood Dormer*.

A R T. XVII.

That notwithstanding the said Earl of *Macclesfield* well knew, that there was a very great Deficiency and Loss by the Failure of the said *Fleetwood Dormer*, and that the said *Henry Edwards*, his Successor, had not sufficient in his Hands to pay the whole Money due to the Suitors of the Court, that had been received by the said *Fleetwood Dormer* on their Account; yet the said Earl of *Macclesfield*, being Lord Chancellor, in order to carry on his Unjust Designs of concealing the said Deficiency, and to prevent any publick Inquiry that might arise from the just Complaints of the Suitors of the said Court, did, from time to time, in manifest and wilful Violation of the Trust reposed in him, make Orders on the said *Henry Edwards*

wards for Payment of the Money belonging to several particular Suitors, which had been lodged in the Hands of the said *Fleetwood Dormer*; In Obedience to which Orders several Sums were paid, without regard to, or consideration of the Proportion which the rest of the Suitors were Entitled to, out of the Effects of the said *Fleetwood Dormer*, whereby many of the said Suitors lost the Benefit of their proportionable Share, to which in Justice they were Entitled.

A R T. XVIII.

That the said *Thomas Earl of Macclesfield*, notwithstanding that he very well knew, and was informed that the Masters of the said Court did, or that it was in their Power, from Time to Time, and at their Pleasure to dispose of and employ the Money and Effects belonging to the Suitors of the said Court, which were intrusted with them respectively, and more particularly, that the Deficiency appearing in the Office of *Fleetwood Dormer*, Esq; One of the Masters of the Court of Chancery, was chiefly occasioned by his the said *Fleetwood Dormer's* having taken upon himself unduly to Dispose of and Employ the Money and Effects belonging to the Suitors of the said Court, which were Intrusted in his Hands; and notwithstanding that, soon after the said *Fleetwood Dormer* became Insolvent, it was represented and proposed to the said *Thomas Earl of Macclesfield*, then Lord Chancellor of *Great Britain*, in order to prevent for the Future any Losses that might happen to the Suitors of the said Court, that the several Effects and Securities belonging to the Suitors should be placed out in such Manner, as

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that

that the Power of Disposing, Implying, or in any manner Trading with the same, might be totally taken away from the said Masters, for the Effecting of which just Design, a particular Method was laid before the said Earl; and it was also further proposed, that the said Masters should give some reasonable Security to answer the Balance of such Cash, as should, from Time to Time, be in their Hands; and notwithstanding the said Earl was Credibly Informed, that the Sufficiency of some other of the said Masters was very much suspected, yet the said *Thomas Earl of Macclesfield*, whilst he was Lord Chancellor of *Great Britain*, contrary to the Duty of his Office, and thereby proposing to make unlawful Gain to himself by the Disposal and Sale of the Offices of Masters of the said Court of Chancery; and in order to Induce Persons to give him, the said Earl, a greater Price or Reward for their being admitted to the same, did not Require or Demand any Security whatsoever, to be given by any of the said Masters, upon their being admitted to their Offices, or at any other Time; and the said Earl, with the same Corrupt View and Intention, and to keep up the Price of the said Offices, totally neglected to Inquire into the Accounts of the said Masters, and did Fraudulently, Unjustly, and in Breach of the Trust reposed in him, Permit and Encourage the Masters of the said Court, to Employ and Traffick with large Sums of Money belonging to the Suitors of the said Court, and to make Interest thereof for their own unjust Gain and Profit; and the said Earl, after such Proposal made to him, as aforesaid, or at any other Time, during his Continuance in the said Office, did not take any Care that the Effects of the said Suitors should be placed out in such Manner, as
to

to prevent the Masters from Trafficking therewith, or that the said Masters should give such Security, as was proposed; by Means whereof great Deficiencies, to the amount of many Thousand Pounds, have been, through such Default of the said Earl, occasioned in the Offices of several other of the Masters, to the great Loss and Injury of the Suitors of the said Court.

A R T. XIX.

That whereas his most Sacred Majesty, out of his Fatherly Goodness to His People, did, in or about the Month of *November* last, direct an Enquiry to be made into the Accounts of the Masters of the said Court of Chancery, to the Intent that proper Methods might be taken for the Security of the Suitors of the said Court; the said *Thomas Earl of Macclesfield*, being then Lord Chancellor of *Great Britain*, and One of His Majesty's most Honourable Privy Council, in order to Obstruct the same, and to prevent a Parliamentary Enquiry into the State and Condition of the Offices of the said Masters, in Breach of the several great Trusts reposed in him, did give Advice and Encouragement to the said Masters to Assist and Supply each other with Money and Effects, and did represent to the said Masters, that it would be for their Honour and Service, to appear able and sufficient, and that if they made a Bold Stand now, it might prevent a Parliamentary Enquiry, or to that Effect; and did perswade several of them to make false Representations of their Circumstances to His Majesty, by adding a Subscription to their respective Accounts deliver'd to the said Earl, to be laid before His Majesty, to the Effect following (*viz.*)
That

That they were able to answer the Money and Securities in their Hands, and were willing to pay the same to such Persons as were Entitled thereunto, although the said Earl knew, or had good reason to believe, that several of the Masters were not then able to answer the Ballance of their Accounts, nor are they yet able to satisfy or make good the same; and when the said Masters were afterwards required to produce the Cash and Effects of the Suitors in their Hands, some of the said Masters, according to such Advice and Encouragement given by the said Earl, did Supply others of them with Cash and Effects, to make a false shew and appearance of their Ability and Readiness to answer the Ballance of their Accounts.

A R T. XX.

That the said *Thomas Earl of Macclesfield*, whilst he continued in the Office of Lord Chancellor of *Great Britain*, in Breach of the Trust reposed in him, and contrary to the Duty of his Office, did, at several Times, borrow and receive of some of the Masters of the said Court, several great Sums of the Money belonging to the Suitors of the said Court, deposited in the Hands of such Masters, and did make use thereof for his own private Service and Advantage, so long as he had occasion for the same.

A R T. XXI.

That the said *Thomas Earl of Macclesfield*, whilst he continued Lord Chancellor of *Great Britain*,

Britain, did, in an Illegal and Arbitrary Manner, extend the Power and Authority of Lord Chancellor, and of the Court of Chancery, beyond their Lawful and just Bounds, and did Arbitrarily and Illegally assume to himself, as Lord Chancellor, and by Colour of his Office, an unjust and unlimited Power of Dispensing with, Suspending and Controlling the Statutes of this Realm, made for the Security and Preservation of the Estates and Properties of the Subjects of this Kingdom, to the great Oppression of the Suitors of the said Court, in Subversion of the Laws and Statutes of this Realm, in Manifest Breach and Violation of the Rights and Liberties of His Majesty's good Subjects, and of his own most Solemn Oath, as Lord Chancellor of *Great Britain*; and more Especially, when *Francis Tyssen*, Esq; Deceased, being Seized, and Possessed of a real Estate of the Value of Three thousand Pounds *per Annum*, or some other great Annual Value, did, by his last Will and Testament in writing, duly Executed, in or about the Month of *October*, One thousand seven hundred and seventeen, Give and Devise all his said real Estate to the Child his Wife was at that time *Enseint* with (if such Child should be a Son) for his Life, without Impeachment of Wast, with Remainders to the First, and other Sons of the said Infant in Tail Male, and did likewise by such Will Expressly nominate and appoint his the said Testator's Wife, *Rachel Tyssen*, to be the Guardian of all his Children, during their respective Minorities, if she should so long Continue a Widow; and the said *Francis Tyssen*, soon after Died, leaving One Daughter, and the said *Rachel*, his Widow, with Child, after whose Decease the said *Rachel* was Delivered of such Child, being a Son, afterwards Named

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Francis John Tyssen, in whose Right by Virtue of the said Will, and of the Statute made in the Twelfth Year of the Reign of King *Charles the Second*, Intituled, *An Act for the taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service, and Purveyance, and for Settling a Revenue upon His Majesty in lieu thereof*; the said *Rachel Tyssen* did lawfully take into her Care and Custody her said Infant Son, and the Estate so Devised to him, or was willing and Endeavoured so to do, and to undertake the Management of his said Lands and Tenements for his best Advantage, and Demeaned her self therein without any Misbehaviour; yet the said *Thomas Earl of Macclesfield*, being then Lord Chancellor of Great Britam, under Colour of his Office and Authority, did, by several Orders made by him, in the Months of *January* and *February*, in the Fifth Year of His Majesty's Reign, or in One of them, Illegally and Arbitrarily, and in direct Contravention of the Statute made in that Behalf, Remove and Exclude the said *Rachel Tyssen*, the Guardian of the said Infant, and also *John Nicholas, Esq;* (a Person of good Substance and Ability, Nominated by the said *Rachel Tyssen* to be Receiver of the Rents and Profits of the said Infant's Estate, and approved by *Robert Holford, Esq;* One of the Masters of the said Court, for that Purpose, and who had given sufficient Security for the due Execution of his said Trust) from the Management and Receivership of the said Infant's Estate; and did, by such Orders, Unduly and Injuriouly Nominate and Appoint *Robert Doyley, Esq;* a Creature and Confident of his own, and a Person altogether Unfit and Unqualified for so great a Trust, to be Receiver of the Rents

and Profits of the said Infant's Estate, and to have a Salary for the same, with a Power to let such Part of the said Estate, as was or should become untenanted, with the Approbation of the said *Robert Holford*, although the said *Rachel Tyssen* did Expressly Object unto, and oppose such Appointment of the said *Robert Doyley*, and did Insist to have the Benefit and Exercise of her Right in that respect, as the Guardian appointed and intrusted by her late Husband; and the said *Robert Doyley*, after he was so Admitted into the said Receivership, did for several Years Receive the Rents and Profits of the said Infant's Estate, to the Amount of about Ten thousand Pounds, or other great Sum, and in his Life-time did Embezzle and Convert to his own Use great Part thereof; and in or about the Month of *November*, One thousand seven hundred and twenty two, Died Insolvent, and Indebted to the said Infant and his Estate in the Sum of Two thousand six hundred Pounds, or other great Sum, upon the Ballance of his Account, no Part whereof has hitherto been Satisfied or Paid; and the said *Thomas Earl of Macclesfield*, in further Abuse of his Power, and in Contempt of the Laws and Statutes of this Realm, when upon Debate of the Matter in the said Court of Chancery, before the said Earl, being then Lord Chancellor, in the Month of *January* or *February*, in the Fifth Year of His Majesty's Reign, or in one of them, it was Insisted upon, in Behalf of the said *Rachel Tyssen*, by her Counsel of Great Ability and Experience in the said Court, that such the Proceedings of the said Earl, as Lord Chancellor, were a Reviving the Power of the Court of Wards, and were not Supported or Warranted by any Precedent in the Court of Chancery,

cery, he, the said *Thomas* Earl of *Macclesfield*, then Sitting in the Court as Lord Chancellor, did not only persist in such his Appointment of the said *Robert Doyley*, but did also Arbitrarily, and in Defiance of the said good and beneficial Statute, Say and Declare, in open Court, that then he would make a Precedent in that Instance, or he, the said Earl, Declared and Expressed himself to that Effect; which Actings, Proceedings, and Declarations of the said Earl, have been and were not only very Injurious and Prejudicial to the Right and Interest of the said *Rachel Tyssen*, as Guardian, and to the great Damage and Loss of the Infant *Francis John Tyssen*, and a Notorious Violation of Property, but were also a Dangerous Exercise of Illegal and Arbitrary Power, to the Destruction of the Laws and Constitution of this Realm, in Manifest Breach of his Oath, as Lord Chancellor, and in great Abuse of his Authority.

And the said Knights, Citizens, and Burgessees, by Protestation, Saving to themselves the Liberty of Exhibiting, at any Time hereafter, any further Articles, or other Accusation or Impeachment against the said *Thomas* Earl of *Macclesfield*, and also of Replying to his Answers which he shall make unto the said Articles, or any of them, and of offering Proof to all and every the aforesaid Articles, and to all and every other Articles, Impeachment, or Accusation, which shall be Exhibited by them, as the Case shall, according to the Course of Parliament, require, do pray, that the said *Thomas* Earl of *Macclesfield* may be put to Answer the said Crimes and Misdemeanors, and that such Proceedings, Examinations, Tryals, and Judgments, may be thereupon had and given, as is agreeable to Law and Justice.

THE
ANSWER
OF
Thomas Earl of Macclesfield,
TO THE
ARTICLES

Exhibited by the
KNIGHTS, CITIZENS, and BURGESSES
IN
PARLIAMENT
ASSEMBLED,

In the Name of Themselves, and of all the
COMMONS of GREAT BRITAIN,

In Maintenance of their
IMPEACHMENT

Against Him for
High Crimes and Misdemeanors
Supposed to have been by Him Committed.

LONDON, Printed by *John Baskett*, Printer to the
King's most Excellent Majesty, And by the Assigns of
Henry Hills, deceas'd. MDCCXXV.

THE

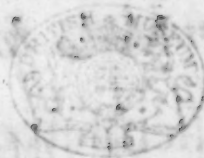
ANALYST

Thomas Earl of Macclesfield

ARTIST

Knights, Gentlemen, and Burgesses

PARLIAMENT



James Earl of Macclesfield

COMMONS

in the Year of our Lord 1701

INTRODUCTION

High Court of Chancery

and the Court of Exchequer

in the City of London

and the County of Middlesex

and the County of Surrey



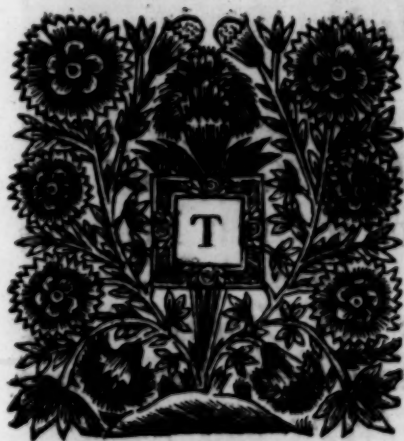
THE
ANSWER

OF

Thomas Earl of Macclesfield,

TO THE

ARTICLES *Exhibited by the
Knights, Citizens, and Burgeses in
Parliament Assembled, in the Name
of Themselves, and of all the Commons
of Great Britain, in Maintenance of
their Impeachment against him for
High Crimes and Misdemeanors, sup-
posed to have been by him committed.*



HE said Earl Saving to him-
self all Advantage of Ex-
ception to the said Articles,
and of not being prejudiced
by any Words or want of
Form in this his Answer,
and also Saving to himself
all Benefit and Advantage of
the Act for the King's most
Gracious, General, and Free Pardon herein after
mentioned,

mentioned, and all Rights and Privileges belonging to him as One of the Peers of this Realm, for Answer to the said Articles saith, That he having for several Years executed the Office of Chief Justice in the Court of King's-Bench, His Majesty of His Royal Grace and Favour was Pleased, the Tenth Day of *March*, One thousand seven hundred and fifteen, to advance the said Earl to the Dignity of a Peer of this Realm, and Created him Baron of *Macclesfield*; and, in Regard to his Circumstances at that Time, was further pleased, for the better Support of that Honour, to grant to the said Earl the Pension of Twelve hundred Pounds *per Annum*, in the Articles mentioned, payable at the Receipt of the Exchequer; and His Majesty was then likewise pleased to Declare His Royal Intentions of giving to the said Earl's only Son, *George Parker*, for his Life, an Office of Considerable Profit, when a proper Opportunity should offer; That in the Beginning of *May*, in the Year One thousand seven hundred and eighteen, he, the said Earl, was, by His Majesty's great Grace and Favour, appointed Lord Chancellor of *Great Britain*, and was sworn before His Majesty in Council the Fourteenth Day of that Month, when the following Oath, being the usual Oath of Lord Chancellor, was Administred to him, (*viz.*)

YOU shall Swear, that you shall well and truly serve our Sovereign Lord the King, and His People, in the Office of Chancellor of Great Britain; and you shall do Right to all manner of People, Poor and Rich, after the Laws and Usages of this Realm; and truly you shall Counsel the King, and his Council you shall love and keep; and you shall not know nor suffer the Hurt or Disheriting of the King,

King, or that the Rights of the Crown be Decreased by any Means, as far forth as you may lett, and if you may not lett it, you shall make it clearly and expresly known to the King, with your true Advice and Counsel; and that you shall do and purchase the King's Profit in all that you may; All which you shall do to the best of your Skill and Knowledge,

As God shall help you.

And the said Earl at the same Time took the Oaths of Allegiance and Supremacy, but no Oath of Office besides that above set forth; and the said Earl doth admit, That, during his Continuance in the said Office of Lord Chancellor, he did Enjoy the Usual Salary, Fees, and Profits belonging to such Office, which, he says, are of much less annual Value than they are generally (as he believes) esteemed to be; And that His Majesty was pleased to grant him the Salary or Allowance of Four thousand Pounds *per Annum*, in the Articles mentioned, during such Time as he should Continue to be Lord Chancellor; but the same is so far from being Particular in the Case of the said Earl (as the said Articles would insinuate) that it is no other than what hath been for many Years past constantly granted to, and enjoyed by his Predecessors in the said Office; and the said Earl doth likewise admit, That His Majesty did, of His Royal Grace and Bounty, sign a Warrant for Payment of the Sum of Fourteen thousand Pounds mentioned in the said Articles, to the said Earl, out of the Receipt of the Exchequer, whereof Two thousand Pounds was the constant usual Allowance from the Crown to the Lord Chancellor or Lord Keeper, for and towards the Expences in entring upon the said Office; and the

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Residue of the said Fourteen thousand Pounds, over and above the usual Fees and Deductions upon Payment thereof, was His Majesty's Royal Munificence to the said Earl, and the same was received by him accordingly; And the said Earl doth likewise, with the greatest Gratitude, own, that about the same Time, his said Son being then of a proper Age, and desirous to go Abroad to Travel, His Majesty was pleased to grant to the said *George Parker* the Yearly Pension of Twelve hundred Pounds, payable out of the Receipt of the Exchequer, during the joynt Lives of His Majesty and the said *George Parker*, determinable upon His Majesty's granting to him, the said *George Parker*, in Possession or Reversion, the Office of One of the Tellers of the Exchequer, for Life, and his coming into the actual Possession thereof, and which the said Earl likewise admits has been since granted to his said Son, and that he came into the actual Possession thereof in or about *July*, One thousand seven hundred and nineteen, whereby the said Yearly Pension is determined; And the said Earl saith, That, during his continuance in the said Office of Lord Chancellor, or at any other Time, he never Once had a Design, or View, or Wish to raise to himself any Exorbitant Gain or Profit, much less used or ever thought of using any Unjust or Oppressive Methods to Extort or Obtain any Sum whatsoever, as in the said Articles is suggested, but such Views and Practices are inconsistent with the whole Tenor of his Life and Actions; And in case it shall be thought proper for the said Earl to lay before your Lordships an Account of his Estate and Fortune, and of the considerable Sums of Money he has distributed for the Relief and Support of others, it will appear that he is not such a Designing, Avaritious, and Oppressive Man,

as in the said Articles he is represented ; And the said Earl humbly hopes, that he shall be allowed, in this his Answer, to distinguish between Acts themselves, and the Inferences drawn from them by the said Articles, and that whenever he Admits any Fact, he may not be understood to admit that such Fact was by him done or committed upon such Motives, and with such Designs, or in such Manner, as is suggested in the said Articles, And with this Reservation he answereth, as followeth : By way of General Answer to such of the said Articles, as relate to the making any Present by Persons admitted to the Office of Masters in Chancery ; The said Earl doth say, That the same has been long used and practised in the Time of his Predecessors, in the said Office, and that such Presents have been reckoned amongst the ancient and known Perquisites of the Great Seal, and the making and accepting thereof has been Notorious to all the World, and never before looked upon to be Criminal or Complained of as such ; And the said Earl humbly hopes, that the giving or receiving of a Present on such Occasion is not Criminal in its self, or by the Common Law of this Realm, and that there is not any Act of Parliament whatsoever, by which the same is made Criminal, or subject to any Punishment or Judgment, which can be prayed in this Prosecution ; And the said Earl thinks himself Obligated humbly to lay this before your Lordships, not only in his own Defence, but in Vindication of the Honour of so many Great and Excellent Men, who have been his Predecessors in the said Office, and have all along done the same, for which the said Earl is now Complained of, and of others having been Lords Chief Justices of the King's Bench and Common Pleas, Masters of the Rolls,

and

and other Judges, who have likewise received Presents in Money, upon the Admission of the several and respective Officers under them, in several Courts of Justice, and who, the said Earl is assured, never apprehended themselves to be Guilty of any Crime against any the Good and Wholsome Laws or Statutes of this Realm.

To the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Articles, The said Earl further saith, That long before the Twenty fourth of July, One thousand seven hundred and twenty one, He did Admit and Swear *Richard Godfrey, James Lightboun, John Berrett, and Edward Conway*, Esquires, into the Offices of Masters of the Court of Chancery, and every One of them did Freely and Voluntarily, and of their Own Accord, as former Masters had done to the Predecessors of the said Earl, send to the said Earl a Present upon Occasion of the respective Admittances, which the said Earl accepted; and that after the said Twenty fourth of July, One thousand seven hundred and twenty one, he did Admit and Swear *William Kynaston, Thomas Bennet, and Francis Elde* into the Offices of Masters of the Court of Chancery, and saith, That every of the said Persons last Named did Freely and Voluntarily, and of their Own Accord, in like Manner, send a Present to the said Earl upon Occasion of their respective Admittances, but saith, That it being pretended by the said *Kynaston* and *Bennet*, that they were by such Presents disabled from Answering so much of the Money due from them to the Suitors of the Court, he the said Earl did afterwards, and before the Impeachment, deliver the Present so sent him by the said *William Kynaston*, being Fifteen hundred seventy five Pounds; and

also the Present so sent him by the said *Thomas Bennet*, being the like Sum of Fifteen hundred seventy five Pounds, into the Court of Chancery, in open Court, to be applied for the Benefit of the Suitors, as the Court should Direct, and that the said Earl retained of the Present, so sent him by the said *Francis Elde*, no more than the Sum of One thousand eight hundred and fifty Pounds.

VIII. To the Eighth Article the said Earl further saith, That in *July* last the Office of One of the Masters of the said Court became Vacant by the Death of *John Borrett*, Esq; who died Intestate, but whether Solvent or not, he cannot say, but upon Notice of his Death, the said Earl did at First desire *Richard Godfrey*, Esq; One of the Masters of the said Court, who had been very well acquainted with the said Mr. *Borrett*, and his Affairs, and afterwards the said Mr. *Godfrey* and *John Bennet*, Esquire, another of the Masters of the said Court, to Inquire into his Effects, and to take what Care they could about the same, who, after some Inquiry, Informed the said Earl, that they believed there would be no Deficiency, and Secured a Considerable Part of the Effects of the said Mr. *Borrett*, and Entred a Proper Caveat in the Prerogative Court, to prevent Administration being granted to any Persons who might Imbezle the said *Borrett's* Estate; and afterwards, at the Request of the said Earl, proceeded so far, as to Obtain a Sentence in the said Prerogative Court, for Administration to be granted, for the Benefit of the Suitors of the Court, to them, the said Mr. *Bennet* and Mr. *Godfrey*, which was afterwards upon their Waving thereof, Granted to Mr. *Paxton*, as the said Earl

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believes,

believes, but the said Earl thought it proper and necessary to Admit another Master in his Place, to Carry on the Business of the Court, and to be Intitled to Demand the Effects of the Suitors from the Representative of the said Mr. *Borrett*, when One should be appointed; and therefore, about the Fifth Day of *August* last, did Admit and Swear *Mark Thurston*, Esq; into the said Office, Vacant by the Death of the said *Borrett*, and the said Earl Admits the said *Mark Thurston* did upon that Occasion Freely and Voluntarily, and of his own Accord, send a Present, whereof Two thousand Pounds and no more were Retained.

IX. In Answer to the Ninth Article the said Earl saith, That he believes *Thomas Bennet*, Esq; in this Article named, was Possessed of the Office of Clerk of the Custodies, in the Article described, and that such Office is in the Gift and Disposal of the Crown, by Grant under the Great Seal, but denies that he did at any time Insist upon the Sum of One hundred and five Pounds, or any other Sum of Money, to permit or accept of the Resignation of the said *Thomas Bennet*, or did refuse to permit or accept thereof, until the said *Thomas Bennet* had agreed to pay the same, or any other Sum on that Account; But saith, That although the said Office be usually granted by the Crown, yet it has always been looked upon to be the Right of the Lord Chancellors, or Lord Keepers, to Recommend to that, and other Offices under the Great Seal, and to Approve and Allow of the Deputies to Execute the same; and, upon such Recommendations and Approving of Deputies, have accepted Presents, and looked upon the same as their Right; and further saith, That there have been Two of such Offices granted in

his Time, One of which appearing to him to be a Case wherein the Party had suffered great Hardship, the said Earl passed the same without any Present whatsoever, though the Office be of Considerable Value; the other was the Case of Mr. *Hamersley*, in the Articles mentioned, in which the said Earl owns he did Accept a Present.

X. In Answer to the Tenth Article the said Earl saith, The same is conceived in such General Terms, that it is not to be expected he should give any Particular Answer thereto; However, he saith, That, during the whole Time of his being Lord Chancellor, he never Once took any Money, Present, or Gratuity whatsoever, for or upon Account of the Naming, Making, or Admitting any Officer whatsoever, other than before particularly named, Except in the Curator's Office, where he owns he has done, as was done by all his Predecessors before him.

XI. In Answer to the Eleventh Article the said Earl saith, That the same not containing any Particular Charge, he apprehends himself not obliged to give any Particular Answer thereto; but however, in General, does say, That he never did Admit any Person into the Office of a Master of the Court of Chancery, but who was either known to be of Substance and Ability, and fit to be Trusted in such Office, or, upon a proper Inquiry, very well recommended to him as such; and, whenever there have been several Candidates, the said Earl has Constantly given the Preference to him that he thought would best Discharge the Office, and most for the Honour of the Court, and the Advantage of the Suitors; and believes that he may, upon some Occasions, have declared,
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that he thought the then Body of Masters as Good, with respect both to their Estates, and Ability for Discharge of the Office, and their Integrity, as had been at any time before, or to that Effect, and what he did say to that Purpose, he thought to be really true.

XII. To the Twelfth Article the said Earl saith, That if there was any such Practice as is mentioned in the Article, of paying for the Places of the Masters out of the Money and Effects belonging to the Suitors of the Court, he was totally ignorant of it; but admits, that he did not, nor did any of his Predecessors, that ever he heard or believes, give any particular Directions for Schedules to be made of the Money and Effects of the Suitors of the Court to be delivered over to the succeeding Masters, but believes, that in Virtue of the General Order of Transfer made of course upon every Admittance, such Schedules were made between the New Masters and their Predecessors, or the Representatives of their Predecessors; and if the ill Consequences, in the Articles alledged, had followed from such Practice, or the not ordering such Schedule, which he does not Admit, he Insists that the same could not render him Criminal.

XIII. In Answer to the Thirteenth Article the said Earl saith, That after *Christmas*, in the Year One thousand seven hundred and twenty, he was Informed, That the said *Fleetwood Dormer* had withdrawn himself to *Holland*, where he then was, and thereupon the said Earl used all the properest Methods he could for Securing his Effects, and particularly directed Mr. *Hiccocks* and Mr. *Rogers*, the then two Senior Masters of the Court, to make
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an Enquiry into his Affairs and Accounts, and to consider what would be most proper to be done; And the said Earl believes, that the said Two Masters, in Pursuance of the Directions from the said Earl, did search the Chambers of the said *Fleetwood Dormer*, in *Lincolns Inn*, to see what Books, Accounts, or Effects could there be met with, but found no Account whatsoever, nor any Effects of Value, and did put a Stop to the transferring of the Stock, then in the Name of the said *Fleetwood Dormer*, in any of the Publick Companies; And the said *Fleetwood Dormer's* Person being thus out of Reach, and his Accounts and Effects wholly unknown, except the Stock, which could not be disposed of without his Concurrence, a Proposal was some time after made to the said Earl, That the said *Fleetwood Dormer* might have a Promise of his Liberty from the said Earl, and upon that Condition he would come over, and assign all his Effects, and assist in getting them in, and settling and adjusting his Accounts; And the said Earl, seeing no other way open to get any thing for the Suitors, and being made to believe, that if any Deficiency should happen, the same would be made up by the other Masters, did agree, That in case the said *Fleetwood Dormer* would come over, and make a full Discovery of all his Effects, and assign the same for the Benefit of the Suitors, he the said Earl would allow him his Liberty on that Condition, and not otherwise; and the said Earl was soon after Informed, That the said *Fleetwood Dormer* submitted to those Terms, and would very soon come over, and discover and deliver up his Effects; And the said Earl did not doubt, but the whole Debt upon the said *Fleetwood Dormer* would be paid. And the said Earl saith, That he

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does not remember that any Application was ever made to him, by the said Masters of the said Court, for any Assistance of the Court, touching the Person or Effects of the said *Fleetwood Dormer*, but what he granted, so far as he thought it tended to the Benefit of the Suitors, and believes that no Application was ever made to him by the Suitors, or any of them, or any other, to secure the Person of the said *Fleetwood Dormer*, or for Compelling him to make Satisfaction to the Suitors; And the said Earl saith, That he never endeavoured to Conceal the true State and Condition of the said Office from the Suitors of the Court, nor did any of them apply, till very lately, to the said Earl to look into the same; And further saith, That he remembers nothing of his ever Using any such Expression, as is charged in the said Article, at any Time before or after he knew that the said *Fleetwood Dormer* Absconded.

XIV. To the Fourteenth Article the Earl saith, That *Henry Edwards*, Esq; in this Article mentioned, succeeded to the Office of Mr. *Dormer* about the Eighteenth Day of *May*, One thousand seven hundred and twenty one; but, by Reason of the Disorder the said Office was then under, and the great Danger of a Loss therein, the Earl had given up and quitted all the Advantage which might Accrue to him upon the Disposal thereof, and left it entirely to the other Masters to raise what Money they could thereby, which was agreed to be all applied towards making Good any Deficiency or Loss, which might happen to the Suitors of the Court Concerned in that Office; and thereupon the Sum of Five thousand Pounds was raised, by the Disposal of the said Office to Mr. *Edwards*, and was applied accordingly;

ingly ; And the said Earl believes the Debt from *William Wilson*, in this Article mentioned, was assigned by the said Mr. *Dormer* to the said Mr. *Edwards* in Trust, and to the Intent, that he should Pay, Apply, and Dispose of the said Debt, or such Part thereof, as should, from Time to Time, be by him got in, and received of and from the said *William Wilson*, in such manner as the Court should Order and Direct, or to that Effect ; after which said Assignment so made, the Earl believes that the said Mr. *Edwards* used great Endeavours to obtain Payment and Satisfaction of the said Debt from Mr. *Wilson* ; but finding all his Endeavours fruitless, and that the said *Wilson* had long before stopt Payment, and was in no Condition of Paying his Creditors the Whole of their Debts, but that he was willing, and had offered to come to a Composition, and to pay them in Proportion the Utmost he was able ; The said Mr. *Edwards* thereupon, about the Thirtieth Day of *June*, in the Year of our Lord, One thousand seven hundred and twenty two, preferred his Petition to the said Earl, as Lord Chancellor, setting forth in Substance the State of the Case, as before mentioned, and Praying that it might be referred to One of the Masters of the Court, to see if such Composition, so proposed by the said *William Wilson*, were for the Benefit of the Persons Intitled to receive the same ; and the same was accordingly, by Order of the said Earl, referred to Mr. *Hiccocks*, the then Senior Master of the Court, to Enquire into, and make his Report therein ; And about the Six and twentieth Day of *July*, then next following, the said Mr. *Hiccocks* made his Report, that the said *William Wilson* had, under his Hand in Writing, proposed to Assign over to the said Mr. *Edwards*,

wards, as a Composition for, and in full Discharge of the Sum of Twenty four thousand forty six Pounds, and four Shillings, therein mentioned to be due and owing from him to the said Mr. *Edwards*, as Assignee of the said Mr. *Dormer*, the Sum of Ten thousand Pounds, Part of a large Sum due to the said *William Wilson*, from *Edward Poulter* of *Hackney*, Gentleman, in this Article mentioned, and to pay the said Mr. *Edwards* in Specie, the Sum of One thousand four hundred sixty three Pounds, two Shillings, and one Penny, over and above the Sum of Five hundred and sixty Pounds, then already paid to the said Mr. *Dormer*, in Part of the said Composition; and that upon Consideration had of the Circumstances of the said *William Wilson*, and the said several Matters, he was of Opinion, that the accepting the said Composition would be for the Benefit of the Person or Persons Intitled to receive the same; Upon which said Report the said Mr. *Edwards*, about the Third of *August* then next, preferred another Petition to the said Earl, with the said Report annexed, and thereby expressly Prayed the said Earl to Order him, the said Mr. *Edwards*, to accept of the said Composition, whereupon the said Earl, in a proper and usual Manner, Ordered the same as Prayed; And the said Earl saith, that he was Informed, and believes, that the said Composition was Made and Agreed to, upon a Consultation of all or most of the Masters of the said Court, who the said Earl did believe would Use their best Endeavours to get as much as they could; And the said Earl saith, he hath heard, and believes it to be true, that besides the One thousand four hundred sixty three Pounds, Two Shillings, and One Penny then paid down, there hath been since

got in by Mr. *Edwards*, on Account of the said Debt from *Edward Poulter*, the Sum of One thousand Pounds or thereabouts; and that at the time of the said Assignment, the said Debt, Claimed by *Wilson* from *Poulter*, was a just Debt, and Judgment at Law has been since obtained for Eighteen thousand Pounds, Part thereof, and the said *Poulter* was looked upon to be a Substantial Person, though, to avoid Payment of the said *Wilson's* Debt, which arose on account of their Dealings in *South Sea* Stock, and Subscriptions in the Year, One thousand seven hundred and twenty, the said *Poulter* not only brought his Bill in Chancery, but, after the same was Dismissed, and that he was taken in Execution at *Wilson's* Suit at Common Law, he found Means to make his Escape out of the Custody of the Marshal of the Court of King's Bench, and to get over to *France* or *Holland*, where he still Continues, as the Earl is Informed; but he is likewise Informed, that, after the said Escape, a Commission of Bankruptcy was taken out against him by the said *Wilson*, upon which some Effects were recovered, and likewise an Action at Law brought, and a Verdict and Judgment for Eighteen thousand Pounds and upwards obtained by the said *William Wilson* against the Marshal, on Account of the said Escape; and saith, he hath likewise been Informed, That the said *Edward Poulter* and the Marshal have each of them offered Considerable Sums of Money by way of Composition for the said Debt, but the said *Wilson*, from a Perswasion of the Abilities of the said *Edward Poulter* to pay the Whole, did at first refuse any Composition with the said *Poulter*, and since hath been afraid to make any Composition, either with *Poulter* or the Marshal; and what may be the Consequence there-

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of, with regard to the Suitors of the Court, or what further Sums of Money may be recovered upon Account of the said Debt, towards making them Satisfaction, the Earl saith, he cannot with any Certainty take upon him to Answer.

XV. To the Fifteenth Article the Earl saith, That about the Month of *February*, in the Year of our Lord, One thousand seven hundred and twenty, he gave Orders to his Secretary to write to the several Masters of the Court of Chancery, to bring in their Accounts of the Cash, Effects, and Securities in their Hands, belonging to the Suitors of the Court, and believes he did so, but denies that the same was done with any Unjust Purpose, or with any Thought to terrifie the said Masters to make any Contribution, towards Satisfying the Demands upon the said Office of *Fleetwood Dormer*, but believes, what they did contribute, they paid Freely and Voluntarily, and out of their own Money, and therein, as the said Earl believes, did no more than follow a Precedent of the like Nature, on the Failure of *Dr. Edisbury*, formerly a Master of the said Court; And the said Earl saith, That his real and whole Intention in Calling for the said Accounts, was to Inform himself, in the best Manner he was able, of the State and Condition of the several Offices, and thereby to be the better able to make proper Regulations concerning the same; and therefore, though the said Article seems to insinuate, as if the Calling for the said Accounts was dropped, as soon as the Masters were prevailed on to Contribute, the said Earl saith, That afterwards, and without any Regard thereto, he still Continued to Call for the said Masters Accounts, and not finding them brought in, as he expected, he

he did, about the Beginning of *November* following, cause another Letter to be sent to them, requiring them to bring in their Accounts; and, by both the Letters sent to them on that Occasion, he directed the particular Method in which he would have their Accounts made up; but the said Earl, being afterwards convinced how Difficult and Tedious a Work it would be, and what Obstruction it would give to the Business of the Court, and that at last it could not be depended upon with any Certainty, was forced to lay aside that Design, and to content himself with going on in the same Road which his Predecessors had done; and humbly begs leave to Observe, That what has been lately done, with respect to the Accounts of the said Masters, plainly shews the Insuperable Difficulties of such an Undertaking.

XVI. To the Sixteenth Article the Earl saith, That he believes that, on or about the Seventeenth of *March*, One thousand seven hundred and twenty three, such Order was made, as in the said Article is mentioned, for *Henry Edwards*, Esq; to pay *Elizabeth Chitty* One thousand Pounds, Part of the Money formerly brought before Mr. *Dormer*, but does not remember that the said *Henry Edwards* made any Complaint thereof to the said Earl, but believes Mr. *Edwards*, not having then Sufficient Effects of Mr. *Dormer's* in his Hands, refused Payment thereof; and that in *July* following Mr. *Lochman*, in the Articles named, applied himself to the said Earl several times, and in a very earnest Manner, to help the said Mrs. *Chitty* to the said One thousand Pounds, alledging that he the said Mr. *Lochman* was to marry her, and that he had made a Composition with his

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Creditors, upon which One thousand Pounds was to be paid in a very short Time, which he then mentioned; and that he the said Mr. *Loebman* was to have the said One thousand Pounds for that Purpose, and that, if he had it not by the Time, the Composition would be Void, and he should be utterly Ruined; And at length the said Earl, being greatly moved by the pressing Importunities of the said Mr. *Loebman*, and by Compassion for the very great Distress in which he then appeared to be, did promise to supply him with the said One thousand Pounds out of his Own Pocket, and accordingly directed Mr. *Cottingham*, then his Secretary, to pay it, taking from the said Mrs. *Chitty* an Assignment of the Benefit of the said Order, and believes the same was done accordingly; and that, upon Mr. *Loebman's* Pressing for a further Sum for the said Mrs. *Chitty*, for her own Use, the said Earl might tell him, that the said One thousand Pounds was all that he must Expect from the said Earl; and the said Earl does not believe that he had any Discourse with the said Masters to perswade them to pay the said One thousand Pounds to Mr. *Loebman*.

And as to the last Branch of the said Article the said Earl saith, That the Fact was, that one *Jackman*, having in the Cause in the Article mentioned been Confirmed the best Purchaser of part of the Estate of *T. Harper* at the Price of Two hundred and sixty Pounds, so long ago as the Nineteenth of *December*, One thousand seven hundred and seventeen, and it being at the same time Ordered, That the Writings belonging to such Estate should be delivered to his Council, and that the Tenants should Attorn to him, on his bringing his Purchase Money before Mr. *Dormer*, then one of the Masters, and the said Money having been

brought before the said Master the Twenty fourth Day of *December*, One thousand seven hundred and seventeen, and the Tenants, having Attorned to *Jackman*, but the Conveyances not being then executed, though long before approved, a Motion was made in the Court of Chancery before the said Earl on the Fifth Day of *December* last, that all Parties might Execute the Conveyances, and the Two hundred and sixty Pounds be paid to the Plaintiff, towards Satisfaction of a Demand she had out of the Estate of the said *Harper*, and those that were to have the *Residuum* of the said *T. Harper's* Estate, insisted, that they were always ready to Joyn in the Conveyances, if the Purchase Money were applied to Discharge the rest of the Estate, that they were Apprehensive of a Deficiency of *Mr. Dormer's* Estate, and therefore neither they nor the Plaintiff ought to be Sufferers by such Deficiency, the Delay having been occasioned by the Purchaser, and not by the Plaintiff, and therefore scrupled Executing the Deeds, unless upon Payment of the Money to the Plaintiff, and discharging the rest of the Estate therefrom; and this being the First Time that any Question relating to *Mr. Dormer's* Deficiency had been laid before the Court, by any of the Suitors, the said Earl took Notice of its being so, and believes he might Express himself to this Effect, That he had indeed heard of the said *Dormer's* Deficiency, but that it had never yet come Judicially before him, upon Complaint of any of the Suitors of the Court; and further Declared, That if there should be any Deficiency in his Office, several Circumstances had Concurred thereto, as *Wilson* the Banker's stopping Payment, greatly Indebted to him, *Poulter's* going away in *Wilson's* Debt Eighteen thousand Pounds, and

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upwards, after a Verdict and Judgment at Law, and *Poulter* in Actual Execution for it; and that, as he had heard, *Wilson* had then lately brought an Action of Escape against the Marshal, and recovered a Verdict against him for the like Sum; and how all these Matters would at last Come out, the said Earl said he did not know, or he expressed himself to that Effect, and no other; and thereupon Ordered, that it should be referred to Mr. *Edwards*, to examine whether the said Two hundred and sixty Pounds was Deposited with Mr. *Dormer* for the Benefit of any particular Person, and whom, and what was the Occasion of the Delay, that the said Conveyances were not Executed, and the said Two hundred and sixty Pounds, Purchase Money, paid out before the Year, One thousand seven hundred and twenty; and whether there was likely to be a Loss of any Money Deposited with the said Mr. *Dormer*, and that upon the Masters Report such further Order should be made, as should be just; and the said Earl hopes the said Order was very proper and necessary, and takes the Liberty of Representing to your Lordships, That this was after the Accounts of the Masters had been laid by the said Earl before the Lords of the Council, and had been for some Time under the Consideration of the Judges, and others appointed by His Majesty to inspect the same.

XVII. To the Seventeenth Article the Earl saith, That he never Endeavour'd to Conceal the Deficiency Occasioned by Mr. *Dormer's* Failure, but as the said Earl was under a full Perswasion, that the same would all in due Time be made Good, and as Mr. *Dormer's* Effects were coming in by Degrees, and no Application was made to
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him by any of the Persons Concerned, to put a Stop to, or any Restraint upon the Payments, he did not think it Incumbent upon him, *Ex Officio*, to make a Declaration of an Average. And the said Earl saith, That he does not know that any Order was made by him for Mr. *Edwards* to pay any Money that had been lodged with Mr. *Dormer*, except the Order aforementioned, in the Case of *Chitty*, but believes several Orders have been made by the Court for that Purpose, and that the said Mr. *Edwards*, under a firm Perswasion that the whole Deficiency would be made Good, paid out the whole Sums so Ordered, so far as the Money then in his Hands would extend.

XVIII. To the Eighteenth Article the said Earl saith, He never knew how the Masters kept or disposed of the Money and Effects belonging to the Suitors of the Court; and as he believes, that after Dr. *Edisbury's* Failure, the then Lord Chancellor, so he knows that after Mr. *Dormer's* Misfortune, the said Earl thought of several Methods to prevent any Inconvenience upon the like Accident for the Future; but they had both the same Misfortune, not to bring any of them to such Perfection, as to venture to put them in Practice.

That Several Proposals were made to him by the Persons he Consulted upon that Occasion, but none that he believes, it will be held Criminal not to have then Established; some things were proposed that he thought Impracticable, some Insufficient, some Inconsistent with that Compleat Regulation he hoped to make, the Objects he proposed to himself, were to Provide for whatever Deficiency might happen in the Office late of
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Mr. *Dorner*, to Secure the Suitors from any future Loss, and to make several Regulations relating to the Offices of the Masters, and he thought these would be best done together, nor had he perfected the Scheme of any One of them to his own Satisfaction; he Remembers no Proposal, that he thought would take it totally out of the Power of the Masters, to dispose of the Securities or Effects, or effectually Secure the Cash. The said Earl Admits, that he did not Demand any Security to be given by any of the said Masters at the time of their Admittance, because it had not been done by his Predecessors, who were much Wiser Men than himself, nor was he so much as asked by any of the Parties Interested so to do; as to what the said Earl did with Relation to the Accounts of the said Masters, he hath already set forth, and saith, That he gave no Permission nor Encouragement to the Masters of the Court, to Employ or Traffick with the Suitors Money for their own Gain or Profit; he owns, that with respect to the Securities in the Hands of the Masters, he made no General Order, and thinks it the less Material, because, notwithstanding what is alleged in the Close of this Article, he believes all the present Masters did, in *December* last, Produce all the Securities in their Hands, and the Court of Chancery hath since Secured the same for the Benefit of the Suitors.

XIX. To the Nineteenth Article the said Earl saith, That upon great Consideration of Mr. *Dorner's* Deficiency, and of the Danger there might be of further Inconveniencies, with Relation to the Money and Effects in the Hands of the Masters, and of several Disputes and Differences that had arisen in the Court of Chancery, and of some
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Applications of the said Masters, for Establishing them in their just Rights, and of some Practices of the Masters, which the said Earl thought ought to be Reformed; he was Convinced, that the same was a work of too great Consequence for him Singly to Attempt, and being highly Sensible of His most Sacred Majesty's Paternal Goodness to His People, did presume humbly to Beseech His Majesty, as the fountain of Justice, to Depute some of His most Honourable Privy Council, to take the Matters aforesaid into Consideration, in Order to the Establishing such Regulations, as might tend to the Honour of that High Court, and to the Advantage of His Majesty's Subjects being Suitors there; which Request, His Majesty out of His Wonted Goodness, was pleased to receive very Graciously, and Named several Lords, and other Honourable Persons of His Privy Council, to be a Committee, to take the same into Consideration; and pursuant to His Majesty's Command, the said Committee met, and began with the Accounts of the said Masters, wherein the said Earl begs leave to Appeal to such of your Lordships, who Attended in that Committee, whether he did not Contribute to the Utmost of his Power, to have every thing done which the said Committee thought Expedient: And the said Earl saith, that he made all such Orders as were by them Judged requisite, and so pressed the Execution thereof, that not only the Accounts of all the Masters then in being were brought in, but all the Securities in all their Hands, and the Cash of most of them were Actually Lodged in the Bank of *England*, and therefore the said Earl is greatly Surprized, to find himself Charged with Obstructing the taking those Accounts, which he had thus desired might be taken, and Contributed

ted to the taking of them with all his Power. And the said Earl saith, That he never thought of preventing a Parliamentary Enquiry, any otherwise, than by making it unnecessary, and procuring to the Suitors a full redress of all their Grievances, and rectifying whatever he found Amiss, and that he looked upon to be his Duty, and begs leave to say it here Once for all, in Answer to all the several Insinuations of that kind Contained in the Articles.

And the said Earl further saith, That while the said Accounts were taking, every one of the said Masters declared over and over, that they had Effects sufficient to Answer their whole Accounts, and the said Earl Firmly believed the same to be true, and as all of them that he saw (which he believes were all, or at least all but Mr. Kynaston) had told the said Earl, that they were able to Answer their Accounts; and when they brought their Accounts to the said Earl, for him to lay before the said Committee, Mr. Holford had wrote under his Account some Declaration to that Effect, and some others of them, as he remembers, had made use of some other Expressions, which he thought not so proper, and some, as he believes, had wrote nothing (but he cannot Distinguish the Persons) and the said Earl thinking that when the said Accounts came to be laid before the Committee of Council by him, it would be proper that the same thing should be Declared to the Committee, which had been said to him singly, he Advised them all to Write the same Words under their Accounts, and did tell them, in great Sincerity and Friendship, that at a Time when so many Men's Mouths were open against them as Insolvent, it would be for their Honour and Interest to make it appear, that they

were Able and Sufficient, as he then believed them to be, but never thought of a Contrivance to have them Deceitfully appear or seem what they really were not; and he says they did then withdraw to make the Subscription, or at least so many of them whose Accounts were then ready, and soon after deliver'd them to the said Earl, who carried them with him to the Committee of Council, whither he was then going, without looking upon them; but upon reading them at the Council, it was observed that they had not all used the same Words, having Varied considerably, but what any of the Subscriptions were, he cannot take upon him to set forth.

And the said Earl further saith, That a subsequent Order being made by the said Earl, for the said Masters to produce their Securities, and their Cash, before the Persons appointed to Inspect their Accounts, they made great Complaint, that so many hundred thousand Pounds should be required at so short a Warning, and some of them saying, that though they had Effects sufficient, and could raise the Whole, if they had a little Time, desired the said Earl to allow them further Time for that Purpose; but the said Earl saith, That he required them to bestir themselves, and raise it immediately, telling them, that since they had Effects to give Security, they might find Friends to furnish the Money; and believes he did say, that some of their own Brethren might perhaps be able to let them have Money, till they could raise it another Way.

But if any of them did supply others with Cash or Effects to produce, only to make a false Shew and Appearance of their Ability, and Readiness to Answer the Ballance of their Accounts, the said Earl knows nothing of it, and is sure
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they had not the least Encouragement from him
so to do.

XX. To the Twentieth Article the said Earl
saith, That it never entred into his Thoughts, to
make use of, nor did he ever make use of any of
the Money belonging to the Suitors of the Court,
for his own private Advantage, but believes, that
in *December*, One thousand seven hundred and
twenty, having Occasion for the Sum of One
thousand five hundred Pounds, and Asking his
Secretary, Mr. *Cottingham*, whether he could lend
him the same, he said he could not, but would
procure it for him, and accordingly Borrowed
the same from Mr. *Godfrey*, One of the Masters
of the said Court, and the said Earl gave his own
Note for Payment thereof to the said Mr. *God-
frey*, and in *February* following Repaid One
thousand Pounds, Part of the said Principal Sum;
but in the same Month of *February*, One thou-
sand seven hundred and twenty, upon a fresh
Occasion, borrowed again Part of the said One
thousand Pounds so paid back, and a Note or
Notes were given for the Payment thereof; and
some Time after the said Earl Ordered the whole
Money borrowed of the said Mr. *Godfrey* to be
paid, with all the Interest due for the same; and
the said *Godfrey* received the Principal, but would
not be prevailed upon to take the Interest, or any
Part thereof: And the said Earl saith, That all
the said Money was repaid within the Compass
of a Year, after it was borrowed; and the said
Earl declares, That he never received or borrow-
ed any Sum or Sums of Money whatsoever, of
any of the Masters of the said Court, except as
above set forth.

XI. To the One and twentieth Article the said Earl saith, That upon the strictest Review of his own Behaviour, during the Time he had the Honour of Serving His most Sacred Majesty in the Office of Lord Chancellor, he is not Conscious to himself that he ever did, in any Illegal or Arbitrary Manner, Extend his Power, or the Power of the Court, beyond their Lawful and Just Bounds, or that he did Arbitrarily or Illegally assume to himself, as Lord Chancellor, or by Colour of his Office, any Unjust and Unlimited Power of Dispensing with, Suspending, or Controuling the Laws or Statutes of this Realm, or that he any ways Oppressed the Suitors of the Court, or was guilty of any Breach or Violation of the Rights or Liberties of the Subject, or of his own Oath, as Lord Chancellor: And with regard to the particular Complaint against him in this Article, the said Earl saith, That *Rachel Tyson*, in the Article named, as the Earl is informed, caused a Bill to be Exhibited in the Court of Chancery, in the Name of her Son and Daughter, in the said Article likewise mentioned, by their *Procchein Amy*, against herself, and the said *John Tyson* and others, to have the Trusts in the Will of her late Husband duly performed; and the same was brought to Hearing at the Rolls the Seventh Day of *July*, One thousand seven hundred and eighteen, and by the Decree then made, It was amongst other Things Ordered, upon the Prayer (as the said Earl hath heard and believes) of the Council employ'd by the said *Rachel Tyson*, that a Receiver should be appointed of the Rents and Profits of the Real Estate, who was to have a Salary allowed him, and Power to Let and Set the said Estate, as there should be Occasion, with the Approbation of the

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Master, to whom the Cause was referred : And the said Earl saith, That in Execution of that Part of the Decree, which directed a Receiver to be appointed, the Master having certified that he had appointed *John Nicholas*, Esq; to be the Receiver of the Rents and Profits of the said Estate; the said *John Tyson*, thinking himself Aggrieved thereby, did, in the usual Course of Proceedings in the said Court, cause Exceptions to be Filed against the same, and upon the Arguing thereof before the said Earl, by Counsel of both Sides, Affidavits were read, to shew that the said *John Nicholas* was an Improper Person ; that the said Testator had declared in his Life Time, that the said *John Nicholas* by Name should not have any thing to do with the Management of his Estate; and that a Considerable Part thereof consisted in old Houses and Water-works : And the said Earl, upon a Full Hearing of both Parties, was of Opinion, that the said *John Nicholas* ought not to be appointed the Receiver ; and upon the Proposal of the said *John Tyson*, then in Court, Order'd *Robert Doyley*, Esq; to be Receiver, he giving Security to be approved of by the said Master; which Order was made, as he believes, on the Fifteenth of *January*, in the Year One thousand seven hundred and eighteen, and Affirmed upon the Rearguing the said Exceptions on the Sixth of *March*, in the Year One thousand seven hundred and eighteen; since which Time the Parties Interested have never thought fit to Complain thereof to your Lordships by Appeal, in order to have it Reversed, as Mistaken or Unjust, though now the making thereof is Complained of as a Crime ; and the said Earl is not Ashamed to Own, that he was very well Acquainted with the said *Robert Doyley* for some Years before the said Order,

der, and believed him to be a Person of great Honour and Integrity, Application and Exactness, and believes there are several Persons of Distinction, to whom he had the Honour to be known, who had the same Opinion of him; but the said Earl did not appoint him Receiver because of his own Respect for him, but because he was named by the said *John Tyson*, who was Uncle of the said Infant, and Executor of his Father's Will in Trust for him, and by the same Will appointed his Guardian in case of his Mother's Death or Marriage, and to whom the said Testator had Devised the said Estate, in case of the Death of the said Infant without Issue Male, and whose Interest it therefore was to take Care of the Infant's Interest in that particular; and the said *John Tyson* and Sir *Cesar Child* (whose Daughter the said *John Tyson* had Married) had such Confidence in him the said *Robert Doyley*, that upon the Eighteenth Day of *March*, One thousand seven hundred and eighteen, they entred into a Recognizance, together with him, in the Penalty of Seven thousand Pounds, for the said *Robert Doyley*'s duly accounting for and paying the Money he should receive out of the said Infant's Estate; And the said Earl saith, That no Complaint was ever made to the said Earl against the said *Robert Doyley* to the time of his Death, but he owns that he hath heard, that upon the Master's Stating the Accounts since *Christmas* last, there does appear due from the said *Robert Doyley* about Two thousand and five hundred Pounds, or Two thousand six hundred Pounds, but believes there is not any fear or doubt but that the same is very well secured by the said Recognizance.

And the said Earl saith, That he does not remember the particular Expressions used by the Council or himself, upon Arguing or Rearguing
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the said Exceptions, but he cannot believe that any Council of great Ability and Experience in the said Court, would have thought what the said Earl did Extraordinary, much less would have used such an Expression to the said Earl, as in the Articles, which is an Indecent Censure of his Proceedings; and here being a Decree in this Case, approved of by all Parties, that a Receiver should be appointed to receive the Rents and Profits of the Infant's Estate, the said Earl is at a loss to understand, how the fixing on the Person to be the Receiver, upon good Security, to account for and pay the same for the Infant's Use, is Reviving the Court of Wards, whose Business it was to take the Rents and Profits of the Infant's Estate for the King's Use, without Accounting for any of them to the Infant, but barely providing a Maintenance for him, at the Discretion, perhaps, of some Grantee of the Custody.

Thus the said Earl has laid his Case before your Lordships, and doth further, for Answer to all the said Articles, say, That he is not Guilty of all or any of the Matters contained in the said Articles, or any of them, in Manner and Form as they are therein Charged against him; And the said Earl doth further Insist upon the Benefit of His Majesty's most Gracious and General Free Pardon, granted to all His Subjects (not therein Excepted) in and by an Act of Parliament for that Purpose made in the Seventh Year of His Majesty's Reign, in Bar of, and in his Defence against the said Impeachment, and the said Articles Exhibited in Maintenance thereof, and all and every the Proceedings thereupon, so far as the same extend to any Neglect, Offence, or Misdemeanor,

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or Supposed Neglect, Offence, or Misdemeanor, or any other Act, Matter, or Thing, Suffered, Done, or Committed, or Omitted, by him the said Earl, before the Four and twentieth Day of *July*, in the Year One thousand seven hundred and twenty one, and doth humbly Insist, That no Evidence ought to be given against him for or concerning any of the Matters or Things aforesaid, in and by the said Act Pardoned, or any of them, and doth Aver, That he is not within any of the Exceptions in the said Act contained.

MACCLESFIELD.



R T H E

or supposed Neglect, Offence, or Misdemeanor
of any other Act, Matter, or Thing, shall be
Done, or Committed, or Omitted, by him, the
said Party, before the said Term and Return Day of
the said Year One thousand seven hundred
and twenty one, and both hereby implied, that
no Evidence ought to be given against him for or
concerning any of the Matters or Things aforesaid,
in and by the said Act intended, or any of them,
and both Aver, That he is not within any of the
Exceptions in the said Act contained.

REPLICATION

MCCLESFIELD

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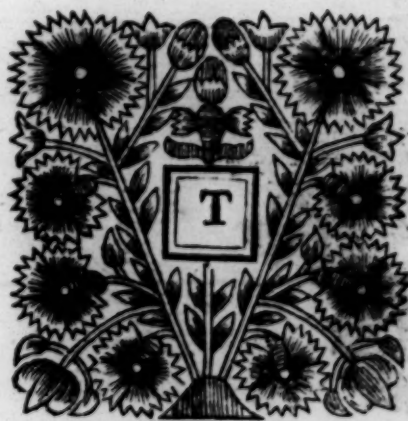
ANDREW R

ANDREW R



THE
COMMONS
REPLICATION
TO THE
ANSWER
OF

Thomas Earl of Macclesfield.



THE Commons have Considered the Answer of *Thomas Earl of Macclesfield*, to the Articles Exhibited against him by the Knights, Citizens, and Burgeses in Parliament Assembled, and Observe, that the said Earl hath Industriously Avoided giving a direct and particular Answer to several Matters positively and certainly Alledged against him

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him in the said Articles, which, from the Nature of the Facts themselves, must necessarily Lie in his own Knowledge, and hath Attempted to Disguise and Cover the Real Crimes laid to his Charge, by Immaterial and Evasive Insinuations of Facts of a Different Nature; and that many Parts of the said Answer are Contradictory to, and Inconsistent with each other, upon which they might Demand your Lordships Immediate Judgment: Yet the Commons being able to Maintain the Truth and Justice of their Accusation, are willing to Enter into the due Examination thereof; and do Aver their Charge of High Crimes and Misdemeanors against the said *Thomas Earl of Macclesfield* to be true, and that the said Earl is Guilty, in such Manner as he stands Impeached; and that the Commons will be ready to prove their Charge against him, at such Convenient time as shall be Appointed for that Purpose.

Thomas Earl of Macclesfield



